

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

DEFENDANT VENTANA MEDICAL SYSTEMS, INC.'S MOTION TO IMPOUND

Pursuant to Local Rule 7.2 and this Court's order of December 1, 2005, Ventana hereby moves the Court for an order impounding: (1) Memorandum of Defendant Ventana Medical Systems, Inc. in Support of Its Conditional Motion to Supplement Its Answer to the First Amended Complaint, (2) Declaration of Roger J. Chin in Support of Ventana's Conditional Motion to Supplement Its Answer, and (3) Supplemental Answer to First Amended Complaint and Counterclaim.

As grounds for this motion, Ventana states that the memorandum, declaration, and supplemental answer include information designated as "Confidential Information" by plaintiff under the terms of the Stipulated Protective Order. The designated materials concern portions of confidential deposition testimony and expert reports. Pursuant to this Court's order of December 1, 2005, Ventana has lodged the memorandum, declaration, and supplemental answer with the Court under seal, with the "Confidential Information" indicated.

The impoundment sought herein should continue until sixty days after entry of final judgment in this case. Thereafter, the materials shall be returned to counsel for Ventana, who shall return or destroy the confidential materials in accordance with the terms of the Stipulated Protective Order filed in this case.

Dated: April 25, 2007

VENTANA MEDICAL SYSTEMS, INC.

By its attorneys,



Peter E. Gelhaar (BBO #188310)
Michael S. D'Orsi (BBO #566960)
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street, 33rd Floor
Boston, Massachusetts 02108
(617) 720-2880

Ron E. Shulman (*pro hac vice*)
Roger J. Chin (*pro hac vice*)
Sarah R. Zimmerman (*pro hac vice*)
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
650 Page Mill Road
Palo Alto, California 94304
(650) 493-9300

Jeffrey N. Danis (BBO #113880)
VENTANA MEDICAL SYSTEMS, INC.
1910 Innovation Park Drive
Tucson, Arizona 85737
(520) 229-3965

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2), that prior to filing this paper the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein. Plaintiff has assented to this motion to impound.



Roger J. Chin

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 25, 2007.



Roger J. Chin